

REMARKS

The Applicant thanks the Examiner for the careful examination of this application and respectfully requests the entry of the amendments indicated hereinabove.

Claims 49-53 are pending and rejected. Claim 49 is amended hereinabove. The Applicant notes that the amendment to independent Claim 49 is supported throughout the Applicant's Specification (for example, page 13 line 19, page 14 lines 22-24, page 16 line 21, FIGS. 4 and 13).

Claim 49 positively recites a capacitor formed in the trench overlying the first contact pillar where the first contact pillar is a plate of the capacitor. These advantageously claimed features are not taught or suggested by the patent application of Houston et al.

Houston et al. teaches away from the advantageously claimed invention because Houston et al. teaches a capacitor that is formed by three thin layers (namely elements 51-53 – see paragraphs 0024, 0030 and FIG. 1). Houston et al. does not teach that a first contact pillar is a plate of the capacitor as advantageously claimed. Rather, Houston et al. teaches that the non-dummy

contact pillars are part of a FET that is functioning as a resistor (paragraph 0027, see also paragraph 0022 and FIG. 1).

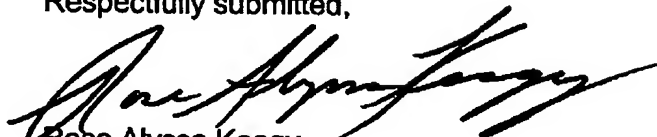
The applicant respectfully traverses the statement in the Office Action (page 3) that "the capacitor comprises a storage element of a memory cell". The Applicant submits that the capacitor of Houston et al. is not a storage element but rather a structure that is used to stiffen the power supply (paragraphs 0002, 0003, and 0031).

The applicant also respectfully traverses the statement in the Office Action (page 3) that "a storage node of the storage element comprises a first contact pillar". The Applicant submits that the contact pillar of Houston et al. is not a storage node but rather a portion of the rail that is used to stiffen the power supply (FIG. 1, paragraphs 0025 and 0031).

Therefore, the Applicant respectfully traverses the Examiner's rejection of Claim 49 and respectfully asserts that Claim 49 is patentable over Houston et al. Furthermore, Claims 50-53 are allowable for depending on allowable independent Claim 49 and, in combination, including limitations not taught or described in the reference of record.

For the reasons stated above, this application is believed to be in condition for allowance. Reexamination and reconsideration is requested.

Respectfully submitted,



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